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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,797	03/09/2004	William D. Beskitt	D-1218 R5	3158
28995	7590	04/06/2006	EXAMINER	
RALPH E. JOCKE walker & jocke LPA 231 SOUTH BROADWAY MEDINA, OH 44256			BEAUCHAINE, MARK J	
			ART UNIT	PAPER NUMBER
			3653	

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/796,797

Applicant(s)

BESKITT ET AL.

Examiner

Mark J. Beauchaine

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-32 and 35-38 is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 8 and 34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office action is in response to the Applicants' amendment dated in response to Non-Final Office action dated 26 October 2005. It is noted that the Applicants' claim 16 was rejected under 35 USC §112, second paragraph as being ambiguous and that the Applicant's amendment to said claim has corrected said deficiency. Accordingly, the rejection under 35 USC §112 is withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patent Number 6,042,001 by Siler et al (hereinafter "Siler"). The deposit security apparatus disclosed by Siler incorporates security bag 16 having opening cutout edges 18' that read on the Applicants' body and upper opening, respectively. Siler further comprises slide tracks 20 and guide track mounting channels 22 that read on the Applicant's outward extending lip portions and inward extending projections, respectively.

Although Siler fails to specifically disclose said security bag 16 within the body of an automatic banking machine, it does indicate that said configuration is suitable to such a use (see column 1, lines 16 plus). It would have been obvious to one of ordinary

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skill in the art at the time the invention was made to incorporate the deposit security apparatus of Siler into a cash dispensing automated banking machine to provide a means of securing documents deposited.

Claims 2-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siler as applied to claim 1 above, and further in view of Patent Number 4,186,977 by Gilovich et al (hereinafter "Gilovich"). Siler discloses lid member 14 that reads on the Applicants' cover. Although the lid member 14 of Siler is rigid in lieu of being flexible, the use of such a flexible cover in security containers is well known in the art. Gilovich teaches a depository 10 that is secured within housing 14. Said depository incorporates flexible door 11 that reads on the Applicant's flexible cover. Furthermore, said door 11 of Gilovich restricts access to said depository when it is not inserted into housing 14 (see Figure 1) and can be opened to allow access to the depository when not within the housing (see Figure 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the flexible door 11 and associated interfacing apparatus of Gilovich into the deposit security apparatus of Siler to provide an effective means of selectively restricting access to the security bag 16.

Regarding claim 3, the flexible door 11 of Gilovich extends within the storage area of depository 10 when in the open position (see Figure 3). This configuration reads on the Applicants' open position configuration.

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Regarding claim 4, Gilovich teaches the opposite edges of door 11 being slidable mounted within the edges of the opening in the top portion of depository 10 (see Figures 2 and 3). The opposite edges of door 11 and the opening edges of depository 10 read on the Applicant's cover projections and parallel tracks, respectively.

Regarding claim 5, Gilovich further teaches notch 12 that engages pin 20. Said notch and pin of Gilovich read on the Applicants' cover recess and engaging lever, respectively.

Regarding claims 6 and 7, Gilovich teaches lock 13 operated by key 25 that reads on the Applicants' key lock.

Response to Arguments

Applicant's arguments filed 20 January 2006 regarding claims 1-3 have been fully considered but they are not persuasive.

Regarding claim 1, the Applicants noted that the slide channels 32 of Siler are not analogous to the Applicants' lip portions that enable movable engagement of the container. Although the Applicants correctly stated that channels 32 are not slidable in normal operation since chassis member 10 is secured against removal, a further view of the chassis member 10 of Siler (see Figure 1) clearly shows said chassis as incorporating guide track mounting channels 22 that interface with slide tracks 20 of the removable top frame 18. It appears that the Examiner, in the previous Office action, intended to refer to the channels 22 in lieu of channels 32 of Siler. Since said channels

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22 slidably engage slide tracks 20, the Applicants' argument that Siler fails to disclose slidably engaging channels is incorrect.

Accordingly, the rejection of claim 1 stands.

Regarding claims 2-7, both Siler and Gilovich address the problems of securing a currency container within a currency processing apparatus and providing access to said container when it is secured within the currency apparatus. The tambour door 11 of Gilovich provides the same functions as the lid member of Siler; to prevent access to a currency container when it is not installed within a currency processing apparatus, and to permit access to the currency container when it is installed within the apparatus. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the door 11 of Gilovich into the deposit security apparatus of Siler as an obvious means of selectively providing access to a currency container.

Accordingly, the rejection of claims 2-7 stands.

Allowable Subject Matter

Claims 9-33 and 35-38 are allowed. Claims 8 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark J. Beauchaine whose telephone number is (571)272-6934. The examiner can normally be reached on 8:00AM through 5:00PM Mondays through Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571)272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mjb



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